

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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UNITED STATES OF AMERICA)
)
 V.)
)
 MARKO BOSKIC)

Criminal No. 04-10298-DPW

GOVERNMENT'S CONSOLIDATED OPPOSITION TO DEFENDANT'S MOTION TO
DISMISS AND DEFENDANT'S MOTION FOR BILL OF PARTICULARS

The defendant Marko Boskic has filed a motion to dismiss the indictment because, he argues, "each count of the indictment lacks sufficient particularity." He has also filed a motion for bill of particulars seeking more precision concerning "the precise questions and answers which form the basis of the charge ... [and] the precise nature of the falsity." In a memorandum filed with these motions, he argues in the alternative for dismissal, or particulars to satisfy the specificity he argues is lacking in the counts as written. The government opposes both motions filed by the defendant. The allegations in the indictment are sufficiently particularize and identify the false statement made by the defendant. Therefore, his motions should be denied.

Each count identifies with particularity the statement that is allegedly false, as well as the true facts that make the statement he made false. Each count describes the false statement and the true facts as follows:

Count One

Count One concerns a false statement contained in Form I-

590, Registration for Classification as a Refugee. (A translated copy of said Form is attached hereto.) The alleged false statement concerns the defendant's military service. The indictment alleges that the defendant stated that his only military service was with the Yugoslav National Army. The indictment further alleges that the statement was untrue because he had in fact served in the Army of the Republic of Srpska.

Question 14 on the attached Form I-590 requests information about past military service. The defendant only listed "SFR Yugoslavia ... 1983-84."

Count Two

Count Two concerns a similar false statement contained on Form I-485, Application to Register as Permanent Resident or Adjust Status. (A copy of said Form is attached hereto.) As with Count One, the indictment alleges that the defendant stated that his only military service was with the Yugoslav National Army. The indictment further alleges that the statement was untrue because he had in fact served in the Army of the Republic of Srpska.

Part 3, section C of the Form requests a list of "present and past membership in or affiliation with" organizations, groups, clubs, etc. The instructions specifically direct the applicant to "[i]nclude any foreign military service." The defendant only listed "1983-1985 Yugoslavia military."

Count Three

Count Three concerns a second false statement in the I-590 Form. The indictment alleges that the defendant stated that he "never ordered, assisted, or otherwise participated in the persecution of any person because of race, religion and political opinion." The indictment further alleges that statement was false because the defendant had in fact participated in such persecution.

On the signature page of the I-590 Form signed by the Defendant, the document requires the applicant to certify (and the defendant so certified) that "I have never ordered, assisted or otherwise participated in the persecution of any person because of race, religion or political opinion."

Count Four

Count Four concerns a similar false statement contained in Form I-485. The indictment alleges that the defendant stated that he "never ordered, incited, assisted, or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin and political opinion." The indictment further alleges that statement was false because the defendant had in fact participated in such killing.

Question 8, in part C of the I-485 Form asks: "Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of

race, religion, nationality, ethnic origin or political opinion." The defendant checked the box next to the response: "No."

Count Five

Count Five alleges that, on August 25, 2004, when questioned by Special Agents of the Department of Homeland Security, Immigration and Customs Enforcement and the Federal Bureau of Investigation, he told them that he had only previously served in the Yugoslavia Army. That statement was false because he had previously also served in the Army of the Republic of Srpska.

In a perjury case involving false testimony before a grand jury or at a trial before a petite jury, the easiest and most common practice is to include relevant portions of the transcript of such testimony in the body of the perjury count, and, further, highlight the particular perjurious testimony. However, that practice is not required, as long as a defendant is adequately apprised of the statement that is allegedly false.

In this case, in the first instance, the "transcript" of the defendant's entire statement is specifically identified and the perjurious statement is highlighted. The statement is contained in a particularly identified form that was signed by the defendant on a particular day. That document is the transcript of his entire statement. The specific false statement is identified by its subject matter. Each form contains only one question that relates to that subject matter.

Second, as described above, in each count of the indictment in this case, the perjurious statement is specifically identified. For example, both Counts Three and Four concern the defendant's false denial of his participation in persecution/killing others because of their race, religion, or other listed reasons. However, each count identifies the false statement differently, because each tracks the language of the specific question the defendant was asked. Therefore, Count Three identifies perjury as involving the defendant's stating that he "never ordered, assisted, or otherwise participated in the *persecution* of any person because of race, religion and political opinion." Count Four identifies the perjury as involving the defendant stating that he "never ordered, *incited*, assisted, or otherwise participated in the *killing* of any person because of race, religion, *nationality*, *ethnic origin* and political opinion." The dissimilar words used in the two counts are in italics.

In addition, the counts each state specifically what was false about the alleged statement.

Defendant's discusses, as an example, Count One, and argues that the Count alleges that he committed perjury because he stated that he only served in the Yugoslav Army, and no other. He alleges that, on the Form, the Defendant listed his 1983-1984 service in the Yugoslav Army, but never said that he served in no

other army.

First, the defendant has been provided with the Form I-590. Analogizing this to perjury before a petite or grand jury, in effect, he has been given a transcript of the entire testimony. The specific perjurious statement has been identified with sufficient particularity for the defendant to have identified the specific question that was falsely answered. No more is required.

The defendant's argument, that the answer given was not false because he did not state that he served in no other army (he simply failed to list all his military service), can be made to the petite jury that will decide whether the defendant is guilty. One of the issues the jury will have to decide is whether the answer was false. In making that decision, they might have to decide whether a reasonable interpretation of the question was that it asked for military service, but did not ask for *all* such service.¹ Or, viewed another way, the defendant's answer was misleading, but not false, because he listed some, but not all of his previous service, but did not, by his answer, state that he had no other military service. "The jury must determine whether the question -- as the declarant must have understood it, giving it a reasonable reading -- was falsely

¹The defendant did not use Count Two for his example, because the I-485 Form directs the applicant to "[i]nclude any foreign military service." (emphasis added).

answered." United States v. Lighte, 782 F.2d 367, 372 (2d Cir. 1986). "The test is ... an objective one." Id.

The same is true for his complaints about Counts Three and Count Four. The defendant essentially previews one of his potential defenses, that is, as he understood the questions, his answers were not false. He may present such arguments to the jury and they will decide his guilt. "Whether an answer is literally true raises a factual question to be resolved by a jury." Lighte, 782 F.2d at 373.

The defendant argues that the questions are ambiguous and, therefore, the answers are not necessarily false. Again, that is for the jury to decide; "where an answer may or may not be false depending upon possible interpretations of an ambiguous question, it is for the jury to decide whether the defendant has committed perjury."² United States v. Fincan, 708 F.2d 838, 848 (1st Cir. 1983).

Further, the mere fact that a defendant can hypothesize different interpretations of a question (and thus raise a literal truth defense) does not make those questions "fundamentally ambiguous" and subject to dismissal. "An answer that is

²The Supreme Court in Bronston v. United States, 409 U.S. (1973), "held only that a defendant cannot be convicted for perjury for true but misleading statements, not that a defendant is immune from prosecution for perjury whenever some ambiguity can be found by an implausibly strained reading of the questions he is asked." United States v. Doherty, 867 F.2d 47, 69 (1st Cir. 1989).

responsive and false on its face does not come within Bronston's literal truth defense simply because the defendant can postulate unstated premises of the question that would make his answer literally true." United States v. Kehoe, 562 F.2d 65, 68-69 (1st Cir. 1977).

Therefore, the district court denied a motion to dismiss perjury counts in United States v. Butt, 745 F.Supp. 34, 35 (D. Mass. 1990). In Butt, the defendant was charged with perjury for his response to questions that asked him about receipt of money "in connection with ... police duties." The defendant offered six possible interpretation of that phrase and, therefore, argued that the questions were so fundamentally ambiguous that the perjury charges should be dismissed. 745 F.Supp. at 35-36. The Court rejected the defendant's argument. 'The "fundamentally ambiguous" defense serves to protect an individual from a line of questioning so vague as to provide no legally sufficient basis for a perjury conviction.' 745 F.Supp. at 36. "[A]lthough a perfectly phrased question is ideal, one is not always presented and therefore juries may consider the context of the question in determining whether the question is ambiguous." Id.

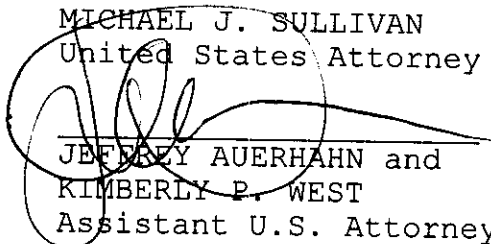
Therefore, for the reasons stated herein, because the language of the perjury counts in this indictment adequately describe the crimes alleged, including the alleged false statement and the nature of the falsity the defendant's motions

should be denied.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By:



JEFFREY AUERHAHN and
KIMBERLY P. WEST
Assistant U.S. Attorneys

DATE: March 30, 2005

REGISTRATION
FOR CLASSIFICATION AS
REFUGEE
Section 207
Immigration and
Nationality Act

UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE

Form Approved
Budget Bureau No. 43-00408

File No.

A

TO FURNISH THE FOLLOWING INFORMATION (READ INSTRUCTIONS ON REVERSE)



First		Middle		Last	
MARKO				BOŠKIĆ	
FLORASTR. 33/AUG. 5, 13187 BERLIN/PANKOW/					
Date of birth (month/day/year)		Place of birth (city or town)		(Country)	
1964		TUZLA		BOSNIA	
My present nationality is:		BOSNIAN			
Weight (kg)		Eyes		Hair	
52 kg		BROWN		BROWN	
Complexion		FAIR			
Marks or Scars					
5. I fled or was displaced from (Name of country)					
BOSNIA-HERZEGOVINA					
On or about (month) (day) (year)					
01 06 1994					
6. Reason(s) (State in detail)					
BECAUSE OF MY REFUSAL TO JOIN THE ARMY TO FIGHT IN THE WAR - I DIDN'T WANT TO FIGHT IN AN ETHNIC WAR AGAINST PEOPLE I LIVED WITH - I WAS FORCED TO FLEE. ALSO BECAUSE I AM A CROAT I DIDN'T WANT TO FIGHT.					
7. My present immigration status in (Country in which residing)					
GERMANY					
is: REFUGEE					
The evidence of my immigration status in the country in which I am residing is:					
(Describe) "DULDUNG"					
8. My spouse's name is:					
N/A					
9. (His)(Her) present address is:					
10. Spouse's nationality is:					
11. My spouse <input type="checkbox"/> will <input type="checkbox"/> will not accompany me to the United States.					
12. Name of child (ren)					
Date of birth					
Place of birth					
Present address					
N/A					
Place a mark (X) in front of name of each child who will accompany you to the United States					
13. Schooling or Education					
Name and location of school		Type		Dates attended	
PRIMARY SCHOOL, TUZLA		ELEMENTARY		1971-1978	
BUILDING TRADES SCHOOL, TUZLA		VOCATIONAL (FOR THE BUILDING TRADES)		1978-1982	
				CERTIFICATE ON BUILDING TECHNOLOGY (CLERICAL)	
14. Military Service					
Country		Branch and Organization		Dates	
SFR YUGOSLAVIA		INFANTRY		1983-84	
				Serial No.	
				Rank Attained	
				PRIVATE	

Below all organizations, societies, clubs, and associations, past or present, in which I have held membership, and the periods and nature of such membership. (If you have never been a member of any organization, state "None")

NONE

16. I ☐ have ☒ have not been charged with a violation of law. (If you have ever been charged with a violation of law, give date and place and nature of each charge and the final result)

17. I ☐ have ☒ have not been in the United States. (If you have ever been in the United States, show the dates of entry and departure and the purpose of your entry. Visitor, permanent resident, student, seaman, etc.)

File or Alien Registration number

18. I have the following close relatives in the United States:

Name	Relationship	Present address
N/A		

19. I am being sponsored by (Give name and address of United States Sponsor)

N/A

Date 9.3.1999	Signature of registrant Marko Boskic	Signature of sponsor Dietrich von Hark der Evangelischen Kirche in Deutschland - Hauptgeschäftsstelle - Postfach 101142 D-70010 Stuttgart
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DO NOT WRITE BELOW THIS LINE

I, MARKO BOSKIC, do swear (affirm) that I know the contents of this registration subscribed by me including the attached documents, that the same are true to the best of my knowledge, and that corrections, numbered () to (), were made by me or at my request, and that this registration was signed by me with my full, true name:

MARKO BOSKIC
(Complete and true signature of registrant)

Subscribed and sworn to before me by the above-named registrant at Frankfurt, Germany on FEB 17 2000
(month/day/year)

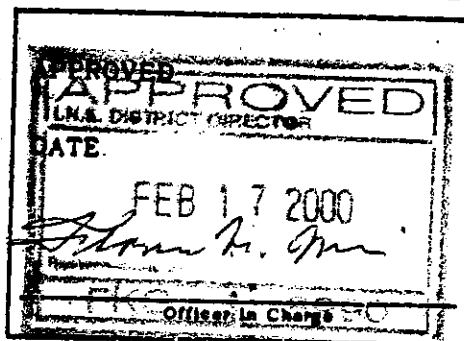
Francis M. Monin
(Signature and title of officer)

INTERVIEW ok

DATE FEB 17 2000

AT Frankfurt, Germany

Francis M. Monin
Immigration Officer



REFUSED
ADMITTED AS
PURSUANT TO SECTION 237 OF
THE INA FOR AN INDEFINITE
PERIOD OF TIME. IF YOU DEPART
THE U.S. YOU WILL NEED PRIOR
PERMISSION FROM INS TO
RETURN.
EMPLOYMENT AUTHORIZED.
NYC - DATE - IMM. OFF.
4/26/00 2513

INSTRUCTIONS

This form should be executed, signed and submitted to the Officer-in-Charge of the nearest overseas office of the United States Immigration and Naturalization Service. When your name has been reached as a registrant you will be furnished additional instructions.

REGISTRATION - A separate Registration Form must be executed by each registrant and submitted in one copy. Registration Form in behalf of a child under 14 years of age shall be executed by the parent or guardian.

ASSURANCES - Assurance Form I-591 executed by a United States sponsor will be required before your refugee status may be authorized but need not be submitted at this time.

**REGISTRACIJA
ZA KLASIFIKACIJU KAO
USLOVNI USELJENIK**

Glava 203 (a)(7)
Zakon o Uveljavanju
i Driavljanstvu

**UNITED STATES DEPARTMENT OF JUSTICE
IMMIGRATION AND NATURALIZATION SERVICE**

Form Approved
Budget Bureau No. 43-R0408

File No.

A

POPUNITE SLEDEĆE INFORMACIJE (za uputstva okrenite list)

SLUŽITE SE PISAČOM MASINOM ILI POPUNITE RUKOM ŠAMPANIM SLOVIMA

1. Ime MARKO		Srednje ime		Prezime BOŠKIĆ	
2. Sadržaj adresa: FLORA STR 33/AUF 5 13187 BERLIN /PANKOW/					
3. Mesec, dan i godina rođenja JULI 9. 1964		Mesto rođenja TUZLA		Pokrajina BIH	
Driava YUGOSLAVIA		Sadržaj driavljanstvo BOSNA I HERCEGOVINA			
4. Stas 176 cm	Težina 82 kg	Boja očiju SMEDE	Boja kose SMEĐA	Boja kože BELA	Obeležja ili ožiljci
5. Ja sam <u>pobegao</u> (pobegla) ili bio (bila) nasilno odveden (odvedena) iz (ime zemlje) Tačan (mesec) (dan) (godina) JANUAR 6. 1994					
6. Navedite razloge (detaljno): ZBOG IZBJEGAVANJA DA IDEM U VOJSKU ZATO ŠTO ME TO NIJE INTERESovalo DA RATUJEM PROTIV NARODA SA KOJIM ŽIVIM, NIT I BILO PROTIV KOGA I ZBOG NACIONALNIH INTERESA ZATO ŠTO SAM HRVAT.					
7. Moj sadanji status u <u>NIJEMAČKOJ</u> je: <u>STATUS IZBJEGLICE</u> (driava u kojoj živite)					
Kao dokaz mog statusa u driavi u kojoj živim postoje sledeći dokumenti: (Opisite) DULDUNG, POTVERA O BORAVKU GDJE STANUJEM					
8. Ime moje supruge (ili supruge) je:		9. (Njena) (njegova) sadanja adresa je:		10. (Supružino) (suprugovo) driavljanstvo je:	
11. (Moja supruge) (moj suprug) <input type="checkbox"/> dolazi <input type="checkbox"/> ne dolazi sa mnom u Sjedinjene Driave.					
12. Imena dece	Datum rođenja	Mesto rođenja	Sadržaj adresa		
Obeležite znakom (X) ispred imena svakog deteta koje dolazi sa vama u Sjedinjene Driave.					
13. Školsko obrazovanje					
Ime i mesto škole		Vrsta	Datumi pohađanja		Akademski titule i diplome
GRAĐEVINSKO		GRAĐEVINSKI	1977-1982		GRAĐEVINSKI
ŠKOLSKI CENTAR		TEHNIČAR			TEHNIČAR
TUZLA		KERAMIČAR			
14. Vojna služba					
Driava	Rod oružja i jedinica	Datumi	Identifikacioni broj	Čin	
BIVSA	PJESADIJA	1983/1984			
FRJUGOSLAVIJA					

15. Slede sve organizacije, društva, klubovi i udruženja kojima sam pripadao u prošlosti ili sada pripadam, kao i datum i mesta mog članstva (Ako nikada niste pripadali ma kakvoj organizaciji izjavite u tom smislu)

NISA NIKADA PRIPADAO NIKAKVOJ ORGANIZACIJI

16. ☐ Ja sam ☒ Ja nisam nikada bio izveden pred sud pod optužbom da sam prekršio zakon. (Ako ste ikada bili optuženi da ste prekršili zakon, navedite datum, mesto i prirodu svakog pojedinog prekršaja kao i odluke suda)

NE

17. ☐ Ja sam ☒ Ja nisam nikada bio u Sjedinjenim Državama. (Ako ste ikada bili u Sjedinjenim Državama navedite datum ulaska i izlaska iz zemlje, kao i cilj vaše posete. Posetilac, zakoniti stalni rezident, student, mornar, itd.)

NE

Upisni broj ili Registracioni broj za strance

18. Imam sledeće bliske rođake u Sjedinjenim Američkim Državama:

Ime(na)

Srodstvo

Sadnja adresa

19. Odgovoran za mene u Sjedinjenim Državama je (ime, prezime i adresa, jemca u Sjedinjenim Američkim Državama)

Datum

Potpis osobe koja se registruje

Dr. Konisches Werk
der Evangelischen Kirche in Deutschland
- Hauptgeschäftsstelle -
Postfach 0 1 1 5
70 0 1 3 Stuttgart

9.03.1999

Boškic Marko Boškic Marko

NEMOJTE PISATI ISPOD OVE LINIJE

Ja, _____, zaklinjem se (potvrđujem) da sam svestan sadržaja ove registracije, koju sam potpisao, kao i priključenih dokumenata, da su isti po mom časnem mišljenju originalni, i, da su ispravke numerisane od () do () učinjene ili s' moje sopstvene strane ili na moj zahtev. Isto tako ja se zaklinjem da sam svojeručno potpisao ovu registraciju, mojim punim, pravim imenom.

(Potpuni i originalni potpis osobe koja se registruje)

Subscribed and sworn to before me by the above-named applicant at _____ on _____ month, day, year

(Signature and title of officer)

INTERVIEW

DATE

AT

Immigration Officer

APPROVED

DATE

Officer in Charge

UPUTSTVO

Ovaj formular treba popuniti, potpisati i podneti nadležnom činovniku najbliže kancelarije Uslužbenke Službe Sjedinjenih Američkih Država u inostranstvu. Kada Vaše ime bude registrovano biće Vam dostavljena naknadna uputstva.

1. REGISTROVANJE: Poseban formular za registrovanje mora biti popunjen od svakog prijavljenog i podnesen u jednom primerku. Registracioni formular za decu ispod 14 godina starosti treba biti popunjen od strane roditelja ili staratelja.

2. GARANTJE: Garantan formular I-591 popunjen od strane odgovorne osobe (garanta) iz Sjedinjenih Američkih Država zahtevaće se pre nego što Vaš ulazni ulazak može biti odobren, ma da isti ne treba podneti sada.

OMB No. 1115-005

S. Department of Justice
Immigration and Naturalization ServiceForm I-485, Application to Register
Permanent Resident or Adjust Status

START HERE - Please Type or Print

Part 1. Information About You.

Family Name	Boskic	Given Name	Marko	Middle Initial	
Address - C/O					
Street Number and Name	10 Beaver St.			Apt. #	1R
City	Salem				
State	MA	Zip Code	01970		
Date of Birth (month/day/year)	07/09/64		Country of Birth	Bosnia	
Social Security #	012-84-0463		A # (if any)	A-77686625	
Date of Last Arrival (month/day/year)	04/26/00		I-94 #	336241007 05	
Current INS Status	Refugee		Expires on (month/day/year)	N/A	

Part 2. Application Type. (check one)


I am applying for an adjustment to permanent resident status because:

- a. ☐ an immigrant petition giving me an immediately available immigrant visa number has been approved. (Attach a copy of the approval notice-- or a relative, special immigrant juvenile or special immigrant military visa petition filed with this application that will give you an immediately available visa number, if approved.)
- b. ☐ my spouse or parent applied for adjustment of status or was granted lawful permanent residence in an immigrant visa category that allows derivative status for spouses and children.
- c. ☐ I entered as a K-1 fiancé(e) of a U.S. citizen whom I married within 90 days of entry, or I am the K-2 child of such a fiancé(e). [Attach a copy of the fiancé(e) petition approval notice and the marriage certificate.]
- d. ☐ I was granted asylum or derivative asylum status as the spouse or child of a person granted asylum and am eligible for adjustment.
- e. ☐ I am a native or citizen of Cuba admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- f. ☐ I am the husband, wife or minor unmarried child of a Cuban described in (e) and am residing with that person, and was admitted or paroled into the U.S. after January 1, 1959, and thereafter have been physically present in the U.S. for at least one year.
- g. ☐ I have continuously resided in the U.S. since before January 1, 1972.
- h. ☒ Other basis of eligibility. Explain. (If additional space is needed, use a separate piece of paper.)
Refugee

I am already a permanent resident and am applying to have the date I was granted permanent residence adjusted to the date I originally arrived in the U.S. as a nonimmigrant or parolee, or as of May 2, 1964, whichever date is later, and: (Check one)

- i. ☐ I am a native or citizen of Cuba and meet the description in (e), above.
- j. ☐ I am the husband, wife or minor unmarried child of a Cuban, and meet the description in (f), above.

FOR INS USE ONLY

Returned	Receipt
Resubmitted	 04/18/2001 LIN-01-153-52388 LINS/501
Reloc Sent	
Reloc Rec'd	
Applicant Interviewed	

Section of Law

- ☐ Sec. 209(b), INA
☐ Sec. 13, Act of 9/11/57
☐ Sec. 245, INA
☐ Sec. 249, INA
☐ Sec. 2 Act of 11/2/66
☐ Sec. 2 Act of 11/2/66
☐ Other

Country Chargeable

Eligibility Under Sec. 245

- ☐ Approved Visa Petition
☐ Dependent of Principal Alien
☐ Special Immigrant
☐ Other

Preference

Action By: IBIS NO RESPONSE
BJL150
6/27/02
Ann Boskic
NSC
2000

To be Completed by
Attorney or Representative, if any

- ☐ Fill in box if G-28 is attached to represent the applicant.

VOLAG #

ATTY State License #

1

Part 3. Processing Information.

A. City/Town/Village of Birth <u>Tuzla, Bosnia</u>		Current Occupation <u>Cashier - Kmart</u>	
Your Mother's First Name <u>Tanja</u>		Your Father's First Name <u>Takov</u>	
Give your name exactly how it appears on your Arrival /Departure Record (Form I-94) <u>Boskic, Marko</u>			
Place of Last Entry Into the U.S. (City/State) <u>NYC, NY</u>		In what status did you last enter? (Visitor, student, exchange alien, crewman, temporary worker, without inspection, etc.) <u>Refugee</u>	
Were you inspected by a U.S. Immigration Officer? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			
Nonimmigrant Visa Number <u>836241007 05</u>		Consulate Where Visa Was Issued <u>Frankfurt, Germany</u>	
Date Visa Was Issued (month/day/year) <u>4/26/00</u>	Sex: <input checked="" type="checkbox"/> Male <input type="checkbox"/> Female	Marital Status <input checked="" type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Divorced <input type="checkbox"/> Widowed	
Have you ever before applied for permanent resident status in the U.S.? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes If you checked "Yes," give date and place of filing and final disposition.			

B. List your present husband/wife and all your sons and daughters. (If you have none, write "none." If additional space is needed, use a separate piece of paper.)

Family Name <u>Boskic</u>	Given Name <u>Slavica</u>	Middle Initial <u>—</u>	Date of Birth (month/day/year) <u>10/27/69</u>
Country of Birth <u>Yugoslavia</u>	Relationship <u>Wife</u>	A # <u>N/A</u>	Applying with You? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? <input type="checkbox"/> Yes <input type="checkbox"/> No
Family Name	Given Name	Middle Initial	Date of Birth (month/day/year)
Country of Birth	Relationship	A #	Applying with You? <input type="checkbox"/> Yes <input type="checkbox"/> No

List your present and past membership in or affiliation with every political organization, association, fund, foundation, party, club, society or similar group in the United States or in other places since your 16th birthday. Include any foreign military service in this part. If none, write "none." Include the name(s) of the organization(s), location(s), dates of membership from and to, and the nature of the organization(s). If additional space is needed, use a separate piece of paper.

1983-1985 Yugoslavia military.

Part 3. Processing Information. (Continued)

Answer the following questions. (If your answer is "Yes" to any one of these questions, explain on a separate piece of paper. Answering "Yes" does not necessarily mean that you are not entitled to adjust your status or register for permanent residence.)

Have you ever, in or outside the U. S.:

- knowingly committed any crime of moral turpitude or a drug-related offense for which you have not been arrested?
- been arrested, cited, charged, indicted, fined or imprisoned for breaking or violating any law or ordinance, excluding traffic violations?
- been the beneficiary of a pardon, amnesty, rehabilitation decree, other act of clemency or similar action?
- exercised diplomatic immunity to avoid prosecution for a criminal offense in the U. S.?

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

☒ Yes ☐ No

Have you received public assistance in the U.S. from any source, including the U.S. government or any state, county, city or municipality (other than emergency medical treatment), or are you likely to receive public assistance in the future?

3. Have you ever:

- within the past ten years been a prostitute or procured anyone for prostitution, or intend to engage in such activities in the future?
- engaged in any unlawful commercialized vice, including, but not limited to, illegal gambling?
- knowingly encouraged, induced, assisted, abetted or aided any alien to try to enter the U.S. illegally?
- illicitly trafficked in any controlled substance, or knowingly assisted, abetted or colluded in the illicit trafficking of any controlled substance?

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

4. Have you ever engaged in, conspired to engage in, or do you intend to engage in, or have you ever solicited membership or funds for, or have you through any means ever assisted or provided any type of material support to, any person or organization that has ever engaged or conspired to engage, in sabotage, kidnapping, political assassination, hijacking or any other form of terrorist activity?

☐ Yes ☒ No

5. Do you intend to engage in the U.S. in:

- espionage?
- any activity a purpose of which is opposition to, or the control or overthrow of, the government of the United States, by force, violence or other unlawful means?
- any activity to violate or evade any law prohibiting the export from the United States of goods, technology or sensitive information?

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

☐ Yes ☒ No

6. Have you ever been a member of, or in any way affiliated with, the Communist Party or any other totalitarian party?

7. Did you, during the period from March 23, 1933 to May 8, 1945, in association with either the Nazi Government of Germany or any organization or government associated or allied with the Nazi Government of Germany, ever order, incite, assist or otherwise participate in the persecution of any person because of race, religion, national origin or political opinion?

☐ Yes ☒ No

8. Have you ever engaged in genocide, or otherwise ordered, incited, assisted or otherwise participated in the killing of any person because of race, religion, nationality, ethnic origin or political opinion?

☐ Yes ☒ No

9. Have you ever been deported from the U.S., or removed from the U.S. at government expense, excluded within the past year, or are you now in exclusion or deportation proceedings?

☐ Yes ☒ No

10. Are you under a final order of civil penalty for violating section 274C of the Immigration and Nationality Act for use of fraudulent documents or have you, by fraud or willful misrepresentation of a material fact, ever sought to procure, or procured, a visa, other documentation, entry into the U.S. or any immigration benefit?

☐ Yes ☒ No

☐ Yes ☒ No

11. Have you ever left the U.S. to avoid being drafted into the U.S. Armed Forces?

☐ Yes ☒ No

12. Have you ever been a J nonimmigrant exchange visitor who was subject to the two-year foreign residence requirement and not yet complied with that requirement or obtained a waiver?

☐ Yes ☒ No

13. Are you now withholding custody of a U.S. citizen child outside the U.S. from a person granted custody of the child?

☐ Yes ☒ No

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Part 4. Signature.*(Read the information on penalties in the instructions before completing this section. You must file this application while in the United States.)*

I certify, under penalty of perjury under the laws of the United States of America, that this application and the evidence submitted with it is all true and correct. I authorize the release of any information from my records which the INS needs to determine eligibility for the benefit I am seeking.

Selective Service Registration. The following applies to you if you are a man at least 18 years old, but not yet 26 years old, who is required to register with the Selective Service System: I understand that my filing this adjustment of status application with the Immigration and Naturalization Service authorizes the INS to provide certain registration information to the Selective Service System in accordance with the Military Selective Service Act. Upon INS acceptance of my application, I authorize INS to transmit to the Selective Service System my name, current address, Social Security number, date of birth and the date I filed the application for the purpose of recording my selective Service registration as of the filing date. If, however, the INS does not accept my application, I further understand that, if so required, I am responsible for registering with the Selective Service by other means, provided I have not yet reached age 26.

Signature: [Signature] Print Your Name: Marko Boskic Date: 4/5/01 Daytime Phone Number: 978-744-8767

Use Note: If you do not completely fill out this form or fail to submit required documents listed in the instructions, you may not be found eligible for the requested benefit and this application may be denied.

Part 5. Signature of Person Preparing Form, If Other Than Above. (Sign Below)

I declare that I prepared this application at the request of the above person and it is based on all information of which I have knowledge.

Signature: Arti Gehani Print Your Name: Arti Gehani Date: 4/5/01 Daytime Phone Number: 617-482-1154

Address: IRC Boston 162 Bayboston Ste. 52 Boston MA

15

Name

MARKO BOSKIC

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APPLICANTS MUST ESTABLISH THAT THEY ARE ADMISSIBLE TO THE UNITED STATES, EXCEPT AS OTHERWISE PROVIDED BY LAW, ALIENS WITHIN ANY OF THE FOLLOWING CLASSES ARE NOT ADMISSIBLE TO THE UNITED STATES:

1. Aliens who have committed or who have been convicted of a crime involving moral turpitude (does not include minor traffic violations);
2. Aliens who have been engaged in or who intend to engage in any commercialized sexual activity;
3. Aliens who are or at any time have been, anarchists, or members of or affiliated with any communist or other totalitarian party, including any subdivision or affiliate thereof;
4. Aliens who have advocated or taught, either by personal utterance, or by means of any written or printed matter, or through affiliation with an organization, (i) opposition to organized government, (ii) the overthrow of government by force or violence, (iii) the assaulting or killing of government officials because of their official character, (iv) the unlawful destruction of property, (v) sabotage, or (vi) the doctrines of world communism, or the establishment of a totalitarian dictatorship in the United States;
5. Aliens who intend to engage in prejudicial activities or unlawful activities of a subversive nature;
6. Aliens who have been convicted of violation of any law or regulation relating to narcotic drugs or marijuana, or who have been illicit traffickers in narcotic drugs or marijuana;
7. Aliens who have been involved in assisting any other aliens to enter the United States in violation of law;
8. Aliens who have applied for exemption or discharge from training or service in the Armed Forces of the United States on the ground of alienage and who have been relieved or discharged from such training or service.
9. Aliens who are mentally retarded, insane, or have suffered one or more attacks of insanity;
10. Aliens afflicted with psychopathic personality, sexual deviation, mental defect, narcotic drug addiction, chronic alcoholism or any dangerous contagious disease;
11. Aliens who have a physical defect, disease or disability affecting their ability to earn a living;
12. Aliens who are paupers, professional beggars or vagrants;
13. Aliens who are polygamists or advocate polygamy;
14. Aliens who have been excluded from the United States within the past year, or who at any time have been deported from the United States, or who at any time have been removed from the United States at Government expense;
15. Aliens who have procured or attempted to procure a visa by fraud or misrepresentation;
16. Aliens who have departed from or remained outside the United States to avoid military service in time of war or national emergency.

Do any of the foregoing classes apply to you? ☐ Yes ☒ No

(If answer is Yes, explain on reverse)

Further, I have never ordered, assisted or otherwise participated in the persecution of any person because of race, religion or political opinion.

I understand all the foregoing statements, having asked for and obtained a translation or explanation of every point which was not understood or clear to me.

Marko Boskic

(COMPLETE & TRUE SIGNATURE OF APPLICANT)

Signature of Interpreter

Name of Interpreter (Print)

Signature of Interpreter

Name of Interpreter (Print)

Subscribed and sworn to (Affirmed) by the above named applicant before me
this 19 at day of

Signature of Officer

Title

IME

MARKO

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77 686, 625
BOŠKIC

IZBEGLICE MORAJU DOKAZATI DA SU ISPUNILE KRITERIJE ZA ULAZAK U SAD. OSIM AKO ZAKON NE
PREDVIDJA DRUGACIJE, STRANCI KOJI SPADAJU U JEDNU OD NAVEDENIH TACAKA - NEĆE BITI PRIMLJENI U SAD

1. Stranci koji su učinili kriminalni delikt ili su osuđeni za isti, tj. ako su prekršili moralni zakon (to ne obuhvata manje kazne učinjene u saobraćaju);
2. Stranci koji su bili upleteni ili žele da se uključe u komercijalnu seksualnu aktivnost;
3. Stranci koji su bili ikada bili anarhisti, članovi neke komunističke partije ili druge totalitarne partije uključujući i druge oteke takvih partija;
4. Stranci koji su zastupali ili učili bilo licnim zastupanjem ili kroz neku organizaciju (I) opoziciju organizovanoj vladi, (II) ukidanje vlade silom, (III) napad na ili ubistva članova vlade zbog njihovog zvaničnog karaktera, (IV) nezakonitu destrukciju imovine; (V) sabotazu, ili (VI) doktrinu o svetskom komunizmu ili uspostavljanje totalitarne diktature u SAD.
5. Stranci koji se žele angažirati u u nezakonitim aktivnostima subverzivnog karaktera.
6. Stranci koji su osuđivani za krsenje bilo kog zakona ili propisa koji se odnose na narkotike, marihuanu ili su bili nezakoniti prenosiooci narkotika ili marihuane.
7. Stranci koji su učestvovali u pomaganju drugih stranaca pri nezakonitom ulasku u SAD.

8. Stranci koji su tražili oslobodjenje u vezi sa vojnim rokom Vojne Službe SAD zbog neslaganja i koji su otpušteni iz vojne službe.
9. Stranci koji su mentalno zaostali ili koji su pretrpeli jedan ili više napada ludila.
10. Stranci sa psihopatskom ličnošću, seksualnom devijacijom, mentalno zaostali, zavisni od droga, hronicnog alkoholizma ili neke druge zarazne bolesti.
11. Stranci koji imaju fizički defekt, bolest ili manjak sposobnosti da sami zarade za život.
12. Vagabundi, profesionalni prosjaci ili beskućnici;
13. Stranci koji su bigamisti ili zastupaju bigamiju;
14. Stranci koji su bili isterani iz SAD u toku zadnje godine, ili koji su ikad bili deportovani iz SAD, ili isterani iz SAD na račun vlade.
15. Stranci koji su nabavili ili pokušali da pribave vizu na nezakonit način;
16. Stranci koji su napustili državu ili ostali van države da bi izbegli vojnu obavezu u SAD, u momentu rata ili nacionalne krize.

Da li se neke od gore navedenih tacaka odnose na Vas?

Da

Ne



(Ako je odgovor Da objasnite na drugoj strani)

Dalje, nikada nisam porucio, pomogao ili učestvovao u proganjanju neke osobe zbog rase, religije ili politickog ubedjenja.

Ja razumem sve gore navedene tacke, dobio sam prevod i objasnjenje svake tacke koju nisam tacno razumeo.

MARKO BOŠKIC

Pun i tacan potpis podnosioca zahteva

Potpis prevodioca

Ime prevodioca

Gore navedeni je potpisan i izveden pred mene dana

2/17/00

Sharon M. Morris

Signature of Officer

Immigration Officer

Title

Ime: MARKO BOŠKIC	A
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PODNOŠITELJI MORAJU DOKAZATI DA ISPUNJAVAJU UVJETE ZA ULAZAK U SAD.
AKO NIJE DRUGACIJE ODREĐENO ZAKONOM, STRANCI KOJI POTPADAJU POD JEDNU OD SLIJEDECIH
KATEGORIJA NE MOGU BITI PRIMLJENI U SAD.

1. Stranci koji su pocinili ili su osudjeni za zlocin koji ukljucuje moralni prijestup (ne obuhvaca manje prijestupe u prometu).
2. Stranci koji su bili ukljuceni ili se ze le ukljuciti u bilo koju vrstu komercijalne seksualne aktivnosti (prostitucija i sl.).
3. Stranci koju su bilo kada bili anarkisti, clanovi ili pridruzeni bilo kojoj komunistickoj ili drugoj totalitarnoj stranci, ukljucujuci bilo koju podruznicu ili pridruznicu navedenih stranaka.
4. Stranci koji su zastupali ili poducavali, bilo vlastitim izjavama, bilo pisanim ili tiskanim stivom, bilo pripadnoscu nekoj organizaciji:
 - (i) suprotstavljavanje organiziranoj vlasti
 - (ii) nasilno zbacivanje vlade
 - (iii) napadanje ili umorstvo sluzbenika vlade zbog njihovog sluzbenog karaktera
 - (iv) nezakonito unistavanje vlasnistva
 - (v) sabotazu
 - (vi) doktrinu svjetskog komunizma ili uspostavu totalitarne diktature u SAD-u.
5. Stranci koji se namjeravaju ukljuciti u nezakonite aktivnosti subverzivnog karaktera.
6. Stranci koji su bili osudjeni zbog kršenja zakona ili propisa koji je u vezi s narkoticima (drogama) ili marihuane ili koji su bili nezakoniti dobavljači narkotika (droga) ili marihuane.
7. Stranci koji koji su bili ukljuceni u pomaganju drugim strancima pri nezakonitom ulasku u SAD
8. Stranci koji su se prijavili za izuzimanje ili otpust iz sluzenja u Oruzanim snagama zbog neslaganja, te oni koji su otpusteni iz vojne sluzbe.
9. Stranci koji su psihicki zaostali, ludi ili koji su pretrpjeli jedan ili vise napada ludila.
10. Stranci s psihopatskom licnoscu, seksualnom devijacijom, mentalnim defektom, ovisnoscu o drogama, kronicnim alkoholizmom ili bilo kojom opasnom zaraznom bolešcu.
11. Stranci koji imaju tjelesnu manu, bolest ili nedostatak koji utjece na njihovu sposobnost da zaradjuju za zivot.
12. Stranci koji su profesionalci prosjaci ili beskućnici.
13. Stranci koji su poligamisti ili koji zastupaju vizezenstvo.
14. Stranci koji su iskljuceni iz SAD-a u toku prosle godine ili koji su ikada bili deportirani iz SAD-a, ili koji su ikada bili istjerani iz SAD-a na racun vlade.
15. Stranci koji su nabavili ili pokusali nabaviti vizu prijevarom ili krivim predstavljanjem.
16. Stranci koji su napustili SAD-e ili ostali izvan njih da bi izbjegli vojnu obavezu u trenutku rata ili nacionalne krize.

Da li se neke od gore navedenih kategorija odnose na Vas?

☐ Da

☒ Ne

(Ako je odgovor potvrđan, objasnite na poledjini.)

Takodjer nisam nikada naredio, pomogao ili na neki drugi nacin sudjelovao u zlostavljanju neke osobe zbog rase, religije ili politickog opredijeljenja.

Shvatio sam sve navedene izjave, zatrazivši i dobivši prijevod ili objasnjenje svakog navoda koji mi nije bio jasan ili razumljiv.

Bošić Marko

(Potpun i vjeran potpis podnosioca molbe)

(Potpis tumača)

(Ime tumača - stampano)

(Potpis tumača)

(Ime tumača - stampano)

Potpisano i zakleto preda mnom od strane gore nevedenog
podnosioca molbe dne _____ u _____.

(Potpis oficira)

(Naslov)